

COMMITTEE ON JUDICIARY

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Representative David Burnell Smith, Vice-Chairman

(January 9, 2006 – January 27, 2006)

Representative Nancy Barto, Vice-Chairman

(February 6, 2006 – Present)

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* Strike-everything Amendment
[E] Emergency Clause
[P 108] Proposition 108 Clause

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HB 2013 – Chapter 116 – voter registration rolls; juror qualifications

Allows a juror to be placed on the inactive voter list if the juror's mail is undeliverable.

HB 2074 – Chapter 121 – concealed weapons; training requirement; renewal

Eliminates the refresher firearms training requirement for the renewal of a permit to carry a concealed weapon (CCW) and broadens laws relating to recognition of a CCW permits from other states.

- Protects CCW records on applicants, permit holders or instructors from public availability.
- Removes the statute allowing the Department of Public Safety (DPS) to enter into reciprocal agreements with states that have concealed weapons laws substantially similar to Arizona.
- Allows DPS to enter into a written agreement for mutual permits or license recognition with states that require it.

HB 2076 – Chapter 313 – weapons; misconduct; storage; map pocket

Expands the list of places a weapon may be stored in a vehicle without a permit to carry a concealed weapon and requires an operator of a public event to have a secure and temporary place to store weapons which are in custody at the event.

- Creates a new section requiring temporary and secure storage of a weapon that an operator of a public event/establishment has in custody. The storage must be readily accessible upon entrance and exit of the event/establishment.
- Allows a person to carry a weapon in a vehicle concealed without a CCW if the weapon is stored in a map pocket.
- Exempts public establishments or public events with a liquor license from being required to have a storage place for weapons.
- States that an operator of an establishment or the sponsor of the event is not liable for acts or omissions unless the person intended to cause injury or was grossly negligent.

HB 2133 – Chapter 179 – lengthy trial fund; juror compensation

Allows jurors to be eligible for earnings replacement monies from the Lengthy Trial Fund (Fund) after serving on a jury for more than five days. A juror would be able to collect replacement or supplemental earnings from the Fund beginning on the fourth day of jury service.

HB 2221 – Chapter 285 – *residential rental property inspections

Authorizes municipalities to adopt an ordinance to establish residential rental inspection programs for the purpose of inspecting residential rental dwelling units to determine compliance with building codes.

HB 2440 – Chapter 234 [E] – *lawsuits; public participation in government

Allows the defending party in any legal action involving a party's exercise of the right to petition to file a motion to dismiss within 90 days of service of the complaint and requires the court to award costs and reasonable attorney fees if the motion to dismiss is granted.

HB 2441 – Chapter 138 – *election officer certification committee; continuation

Continues the Election Officer Education, Training and Certification Advisory Committee (Committee) for ten years and moves the Committee statutes into a new section.

HB 2490 – Chapter 227 [E] – *sexually oriented business; location; penalty

Prohibits an adult oriented business from being located within ¼ mile of specific places and makes a violation a Class 1 misdemeanor.

- Prohibits an *adult oriented business* from being located within ¼ mile of a:
 - ⇒ Child care facility
 - ⇒ Private, public or charter school
 - ⇒ Public playground
 - ⇒ Public recreational facility
 - ⇒ Residence
 - ⇒ Place of worship.
- Measures the distance in a straight line in all directions, without regard to structures or objects, to the nearest point on the property line.
- Allows counties or municipalities to enact/enforce ordinances that regulate the location of *adult oriented businesses*.
- Makes a violation a Class 1 misdemeanor. Each day of violation of either the ¼ mile location restriction or the operating hours requirements contained in the same section is considered a separate offense.
- States that if there is reason to believe a violation is taking place, the county attorney shall or a private citizen may, maintain an action to abate and prevent the violation.
- Exempts existing *adult oriented businesses* that are established and operating in compliance with all state laws and local ordinances from the new ¼ mile location restriction.
- Specifies that an *adult oriented business* that is lawfully located and operating does not violate the location restrictions if a child care facility, school, playground, recreational facility, residence or place of worship locates within ¼ mile of the adult oriented business.

HB 2491 – Chapter 192 – statewide voter database; access

Allows recognized political parties to obtain precinct lists from the Secretary of State (SOS) if they are unable to obtain them from the county recorder.

- Requires copies of precinct lists to include voting history for all elections in the prior four years.
- Changes the date when the county recorder is required to deliver precinct lists to the county chairman and state chairman. The county recorder is required to follow the schedule given for counting registered voters in even and odd years not including the primary and general election registration counts.
- Adds June 1 to the even numbered year schedule for the counting of registered voters.
- States that beginning January 1, 2008 parties must follow the outlined procedure in statute to acquire precinct lists and information during the time periods that the county recorder is required to deliver precinct lists and that the county recorder must respond to the request.
- Provides that a recognized political party can request precinct lists and information as provided by statute from the SOS if the county recorder fails or refuses to provide the requested materials after the time given to the county recorders to deliver precinct lists to county and state chairmen.

- Specifies that the SOS will only provide precinct lists and information for recognized political parties if the county recorder has failed or refused to do so within the time required.
- Allows the SOS to charge the county recorder a fee for each name or record produced.

HB 2580 – Chapter 380 – illegal aliens; serious felonies; bail

Provides additional circumstances under which a person may be excluded from bail and requires law enforcement agencies to determine a person's country of citizenship once the person has been brought to the agency for incarceration. Once citizenship is determined, HB 2580 requires the agency to notify the person's country of citizenship of the person's detention if the person is not a United States citizen. The bill also makes it a Class 2 felony if a person smuggles a human being under the age of 18 who is not accompanied by a family member over the age of 18. States that A.R.S. Title 13, Chapter 10 (Preparatory Offenses) does not apply to a violation of smuggling a person under the age of 18 without a family member present.

HB 2581 – Chapter 195 – class 6 felonies; reclassification

Reclassifies several felonies.

Class 1 Misdemeanors

- Makes the following offenses Class 1 misdemeanors:
 - ⇒ Assault by a vicious animal that the person knows has a propensity to attack, cause injury or endanger without provocation.
 - ⇒ Theft of property or services valued at less than \$1,000
 - ⇒ Shoplifting property valued at less than \$1,000.
 - ⇒ Unlawful failure to return rented or leased property.
 - ⇒ Usury, by knowingly engaging in or directly/indirectly providing financing loans at a higher rate of interest than authorized by law.
 - ⇒ Making any statement that a person believes to be false to a public servant in connection with an application for any benefit, privilege or license.
 - ⇒ Sending, delivering or furnishing/conspiring to furnish a false or forged message by telegraph or telephone.
 - ⇒ Engaging for a fee, property, salary or reward in the business of accepting, recording or registering any bet or wager.
 - ⇒ Abandoning a spouse.
 - ⇒ Failure/refusal to provide a spouse with necessary food, clothing, shelter or medical attendance.

Class 6 Felonies

- Makes the following offenses Class 6 felonies:
 - ⇒ Theft of property or services valued at \$1,000 or more but less than \$2,000.
 - ⇒ Shoplifting property valued at \$1,000 or more but less than \$2,000.

Class 5 Felonies

- Makes the following offense a Class 5 felony:
 - ⇒ Theft of property or services with a value of \$2,000 or more but less than \$3,000.

Class 4 Felonies

- Makes the following offense a Class 4 felony:
 - ⇒ Theft of property and services valued at \$3,000 or more but less than \$4,000.

Class 3 Felonies

- Makes the following offense a Class 3 felony:
 - ⇒ Theft of property and services valued at \$4,000 or more but less than \$25,000.

HB 2584 – Chapter 70 – concealed weapons; firearms safety training

Allows a person who receives a certificate of firearms proficiency from DPS to obtain a concealed weapons permit without having to complete a firearms safety training program.

HB 2649 – Chapter 288 – firearms; possession; storage

Restricts new laws, rules or ordinances from being passed by any agency or any political subdivision of the State relating to firearm possession and storage and provides specific exemptions.

HB 2819 – Chapter 261 – adult probation; county responsibility

Directs the Administrative Office of the Courts (AOC) to not disperse direct state aid for probation services monies (Monies), including motor pool costs, to any county with a population of 2 million or more persons (County) for:

- ⇒ Juvenile Intensive Probation Services
 - ⇒ State Aid for Probation Services
 - ⇒ Adult Intensive probation
 - ⇒ Community Punishment Programs
- If a County does not receive Monies, the following applies:
 - ⇒ The County's contribution to the hospitalization and medical care of the indigent sick, to the nonfederal portion of providing long-term care and for the administrative costs of implementing portions of Arizona Health Care Cost Containment System (AHCCCS) are reduced.
 - ⇒ The Economic Estimates Commission must increase the County's base expenditure limit.
 - Directs a County to maintain probation standards, and exempts the County from probation ratios as prescribed by law.
 - Increases the probation surcharge from \$5 to \$10.
 - Allows a County to set the amount of the probation surcharge collected in the County.

HB 2824 – Chapter 324 – homeowners' associations; condominiums; hearings

Allows certain types of disputes between a property owner and a homeowner association to be submitted to the Department of Building and Fire Safety for a hearing through the Office of Administrative Hearings.

HB 2829 – Chapter 144 – precinct registers; voter registration count

Requires the county recorder to provide information about early ballots to the county and state chairmen and allows the chairmen to request voter registration information for a municipal election from the county recorder in specific circumstances.

SB 1020 – Chapter 26 – informal probate; value of property

Makes the real property value for small estate affidavits \$75,000.

SB 1027 – Chapter 73 – chop shops; vehicle theft

Makes theft of any vehicle engine or transmission, regardless of worth, a Class 4 felony. Makes it a crime to knowingly buy, sell, transfer or possess a motor vehicle part knowing that the VIN (which was placed on the motor vehicle part by the manufacturer) has been removed a Class 4 felony.

SB 1037 – Chapter 145 – elections; canvass deadline

Makes numerous changes to election statutes.

- Extends the election canvass deadline for most elections.
- Allows the board of supervisors to appoint a person who is not eligible to vote as a clerk of election to an election board if the following conditions are met:
 - ⇒ The person is a minor and will be at least 16 years old at the time of the election.
 - ⇒ The person is a citizen of the United States.
 - ⇒ The person is supervised by an adult who has been trained as an elections officer.
 - ⇒ The person has received training provided by the officer in charge of elections.
 - ⇒ The parent or guardian has provided written permission.
- Provides that a school district or charter school is not required to reduce its average daily membership or average daily attendance for any pupil who is absent as a result of service on an election board.
- Stipulates that a school district or charter school must not count an absence resulting from a pupil's service on an election board against any mandatory attendance requirements for the pupil.

SB 1038 – Chapter 28 – Arizona criminal justice commission; duties

Expands the Arizona Criminal Justice Commission's ability to accept and expend grant monies.

SB 1039 – Chapter 146 – voyeurism; surreptitious viewing

Establishes the crime of voyeurism and modifies the definition and penalties for surreptitious viewing.

Voyeurism

- Makes it a Class 5 felony for a person to knowingly invade the privacy of another person without that person's knowledge for the purpose of sexual stimulation.
- Prohibits a person from disclosing, displaying, distributing or publishing a photograph, videotape, film or digital recording without the consent or knowledge of the person depicted, if the media was obtained as a result of voyeurism. A violation of this provision is a Class 5 felony, unless the person depicted is recognizable, in which case the violation is a Class 4 felony.
- Specifies that a person's privacy has been invaded if the following apply:
 - ⇒ The person has a reasonable expectation that the person will not be photographed, videotaped, filmed, digitally recorded or otherwise viewed or recorded.
 - ⇒ The person is photographed, videotaped, filmed, digitally recorded or otherwise viewed, with or without a device, while:
 - The person is in a state of undress or partial dress.
 - The person is engaged in sexual intercourse or sexual contact.
 - The person is urinating or defecating.
 - In a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public.

Specifies that these provisions do not apply to the following:

- ⇒ Photographing, videotaping, filming or digitally recording for security purposes where notice of the use of such media is clearly posted where the person has a reasonable expectation of privacy.
- ⇒ Photographing, videotaping, filming or digitally recording by correctional officials for security reasons or in connection with the investigation of alleged misconduct of persons on the premises of a jail or prison.
- ⇒ Photographing, videotaping, filming or digitally recording by law enforcement officers pursuant to an investigation which is otherwise lawful.
- ⇒ The use of a child monitoring device.

Surreptitious Viewing

- Prescribes that it is unlawful for any person to knowingly photograph, videotape, film, digitally record or otherwise view, with or without a device, another person without that person's consent under either of the following circumstances:
 - ⇒ In a restroom, bathroom, locker room, bedroom, or other location where the person has a reasonable expectation of privacy, and the person is urinating, defecating, dressing, undressing, nude or involved in sexual intercourse or sexual contact.
 - ⇒ In a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public.
- Expands statute to add that it is unlawful to disclose, display, distribute or publish a photograph, videotape, film or digital recording made while surreptitiously viewing without the knowledge of the person depicted.
- Specifies that if a person surreptitiously views or disseminates media resulting from surreptitious viewing, but the act does not involve the use of a device, the act is a Class 6 felony. Subsequent violations are Class 5 felonies.
- Requires posting of a notice in the location that the person reasonably expects privacy if the person is going to be photographed, videotaped, filmed or digitally recorded for security purposes.
- Makes it Class 4 felony if a person disseminates media resulting from surreptitious viewing where the person depicted is recognizable.

SB 1041 – Chapter 44 [E] – election law revisions

Provides emergency procedures for ballots to be moved from a polling place. Makes changes to when, who receives, and what is contained in mailings of informational pamphlets or notices for various elections. Specifies conduct that is not allowed within the 75-foot limit of a polling place.

- Specifies that regular elections that are only for candidates in a city or town with a population of 175,000 or more persons, not including recall elections and special elections to fill vacancies in those cities or towns, be held on:
 - ⇒ The 8th Tuesday before the 1st Tuesday after the 1st Monday in November.
 - ⇒ The 1st Tuesday after the 1st Monday in November.
- Stipulates that for any city or town, including a charter city, that holds its regularly scheduled candidate elections in November of even-numbered years, the term of office for a member of the city council or for the office of mayor begins on or after the second Tuesday in January in the year following the election.

SB 1047 – Chapter 74 – courts; personnel and volunteers; fingerprinting

Provides for the courts to require fingerprint cards from volunteers and contract workers in the judicial department and applicants to practice law.

SB 1048 – Chapter 147 – serious drug offenses; definition.

Modifies the definition of *serious drug offense* to include the attempt or conspiracy to commit a violation of various drug offenses.

SB 1050 – Chapter 148 – prior convictions and admissions; sentencing.

Requires the court, instead of the trier of fact, to determine the aggravating circumstance of whether a person has been previously convicted of a felony.

SB 1051 – Chapter 46 – victims' rights; cleanup

Repeals duplicate statutes relating to victims' rights.

SB 1052 – Chapter 149 – victim compensation and assistance fund

Allows a person who suffered personal injury or death from helping a public safety officer prevent a crime may qualify for victim compensation.

SB 1092 – Chapter 30 – juvenile corrections; medical services

Makes a conforming change related to health care reimbursement rates for juveniles committed to the Arizona Department of Juvenile Corrections.

SB 1093 – Chapter 79 – blank subpoenas; victims; notice

Restricts the use of blank subpoenas.

- Specifies that blank subpoenas cannot be used to procure discovery in a criminal case including accessing the records of a victim.
- Stipulates that disassociated and recovered memories would only be subject to subpoena if the state wants to introduce evidence for those memories, the information is not privileged and the court approves the subpoena after a hearing.
- Provides that the victim be notified and has the right to be heard in any proceeding where the information from a victim's record from a third party has been obtained by a subpoena.

SB 1116 – Chapter 153 – competency; sealed reports; exceptions

Expands access to sealed competency reports.

- Allows the court to order sealed juvenile and adult competency reports be opened by:
 - ⇒ The court, juvenile, or prosecutor for further competency or sanity evaluations.
 - ⇒ The probation department for assessment and supervision/monitoring of the juvenile/adult.
 - ⇒ A mental health treatment provider who assesses or treats the juvenile/adult.
- Allows the court to grant access to sealed juvenile competency reports by the Department of Juvenile Corrections.

SB 1118 – Chapter 154 – clean elections; verification; reporting slips

Requires county recorders to report verified totals of qualifying contribution reporting slips to the SOS daily, and allows county recorders to stop reporting once a sufficient number of slips have been submitted.

SB 1125 – Chapter 101 – DPS; criminal justice information

Adds log searches to the definition of criminal justice information and specifies that certain information/records be submitted to DPS rather than a department within the DPS.

SB 1126 – Chapter 50 – victim's right to refuse interview

Allows a parent or legal guardian to exercise rights on behalf of their child.

- Changes the definition of *victim* in the juvenile and criminal victim rights statutes to exclude a person from being considered a victim if the person is in custody for an offense or is the accused.

SB 1128 – Chapter 80 – juvenile competency

Changes the definition of *incompetent* in the juvenile competency statutes to specify that age alone does not make a person incompetent.

SB 1139 – Chapter 155 – DPS; officer organizations

Allows DPS to recognize an employee organization by a majority vote in an election where the majority of eligible employees vote.

SB 1145 – Chapter 199 [E] – self-defense; home protection

Creates a new justification for the use of physical and deadly physical force, and requires the state to prove beyond a reasonable doubt that a defendant did not act with justification if the defendant presents evidence of self-defense.

- Justifies a person in using both physical and deadly physical force against another if the person reasonably believes himself or another to be in imminent peril of death or serious physical injury and:
 - ⇒ The person that force is being used against was in the process of unlawfully or forcefully entering a residential structure or occupied vehicle or was attempting to remove another person against the person's will from the residential structure or occupied vehicle.
- Applies the presumptions contained in the bill to the following self-defense statutes:
 - ⇒ A.R.S. § 13-404 Justification; self-defense
 - ⇒ A.R.S. § 13-405 Justification; use of deadly physical force
 - ⇒ A.R.S. § 13-406 Justification; defense of a third party
 - ⇒ A.R.S. § 13-407 Justification; use of physical force in defense of premises
 - ⇒ A.R.S. § 13-408 Justification; use of physical force in defense of property
 - ⇒ A.R.S. § 13-418 Justification; use of force in defense of residential structure or occupied vehicles
- Presumes that a person is acting reasonably if the person is acting against another who unlawfully or forcefully entered the person's residential structure or occupied vehicle.
- States that this presumption does not apply if:
 - ⇒ The person force was used against:
 - Had the right to be in/was the lawful resident of the residential structure or vehicle.
 - Was the parent/grandparent/legal guardian of a child being removed from the residential structure or occupied vehicle.
 - Is a law enforcement officer entering/attempting to enter a residential structure or occupied vehicle.
 - ⇒ The person using physical or deadly physical force is engaged in unlawful activity.

- States that a person has no duty to retreat before threatening/using physical or deadly physical force.
- States that justification defenses are not affirmative defenses.
- Requires the state to prove beyond a reasonable doubt that the defendant did not act with justification under the self-defense statutes if the defendant presents evidence of justification.
- States that the court shall award reasonable costs in the defense of any civil action based on conduct justified by this section if the defendant prevails in the civil action.
- Clarifies within the existing use of force in crime prevention statute (A.R.S. § 13-411) that the statute is not limited to the use of force in a person's home, residence, place of business, land the person owns or leases, conveyance of any kind or any other place in this state where a person has a right to be.
- Defines *vehicle* as a conveyance of any kind, whether or not motorized, that is designed to transport persons or property.

SB 1147 – Chapter 248 – telephone usage; interference during emergencies

Prohibits someone from preventing or interfering with the use of a telephone by another person during an emergency situation.

- Specifies that it is a Class 2 misdemeanor for a person to intentionally interfere with the use of a telephone in an emergency situation.
- Defines *emergency situation* as a situation where both apply:
 - ⇒ Human health, life, or safety is in jeopardy and the prompt summoning of aid is essential.
 - ⇒ There is reason to believe that a domestic violence offense is being, has been, or is about to be committed.
- States that a person is not required to allow another person to enter their home for the purpose of using a telephone in an emergency situation.

SB 1165 – Chapter 83 – law enforcement merit system; fees

Allows attorney fees incurred on the behalf of the law enforcement officer to be awarded if an officer wins an appeal of a suspension, demotion, or dismissal.

SB 1176 – Chapter 85 – victims' rights; failure to comply

Allows a victim to request a reexamination of a proceeding if the victim's rights were denied.

SB 1225 – Chapter 249 – public records; declaratory action

Allows the court to award legal costs to the person requesting records if they have substantially prevailed in court.

SB 1227 – Chapter 51 [E] – interstate compact; adult offender supervision

Raises the maximum assessment for the Interstate Commission for Adult Offender Supervision from \$25,000 to \$25,500.

SB 1229 – Chapter 184 – sex offender registration; homeless offenders.

Directs sex offenders who do not have an address or permanent place of residence to register as a transient every 90 days.

SB 1230 – Chapter 160 – sex offender; address verification

Requires the Motor Vehicle Department (MVD) to provide daily updates to the DPS and makes changes to sex offender registration.

- Requires a person who is registering as a sex offender to sign or affix an electronic fingerprint to a statement required by DPS.
- Mandates that when a person from another jurisdiction is registering as a sex offender in Arizona, the sheriff must obtain a sample of blood or other bodily substances for DNA testing. The sheriff must transmit the sample to DPS.
- Increases the classification for a registered sex offender who fails to update the offender's address and picture each year with MVD from a Class 1 misdemeanor to a Class 6 felony.

SB 1260 – Chapter 162 – prostitution; house abatement

Allows a city attorney to maintain an action of abatement against a building/place where a nuisance occurs.

SB 1301 – Chapter 201 – community notification; warrants

Allows law enforcement to issue warrants before distributing notification fliers if a sex offender fails to register.

SB 1303 – Chapter 164 – change of name; application; venue

Modifies the application requirements for a legal change of name.

SB 1305 – Chapter 55 – capital defendants; mental evaluations

Permits the defendant to object to an initial intelligence prescreening evaluation in a criminal case where the state seeks the death penalty.

SB 1339 – Chapter 221 – firearms; possession; persons adjudicated delinquent

Permits the court to prohibit a juvenile from possessing a firearm if the delinquent act committed would be classified as a misdemeanor for an adult and the juvenile is in the jurisdiction of the Department of Juvenile Corrections or the Juvenile Court.

SB 1374 – Chapter 275 – *purchaser dwelling actions; notice

Specifies what reasonable detail consists of when a written notice is given to the seller by the purchaser before filing a dwelling action.

SB 1396 – Chapter 202 – juvenile corrections; work restitution

Authorizes the court to deposit monies collected for the maintenance of youth committed to the Department of Juvenile Corrections (DJC) into the DJC Restitution Fund (Fund).

- Compels the parent or guardian of a youth committed to the DJC to pay a fee of not less than \$50 to the DJC for the supervision of the youth.
⇒ The fee is deposited into the Fund.

SB 1444 – Chapter 177 – *sentencing; third felony offenses

Requires life imprisonment for a person convicted of a violent or aggravated felony if the person has two previous convictions of violent or aggravated felonies.

Findings and Declarations

- Provides that it is a fundamental purpose of criminal law to identify and remove persons whose conduct threatens public safety from society.

Life Sentence

- Sentences a person to life if the person has been convicted of:
 - ⇒ Committing or attempting or conspiring to commit any *violent or aggravated felony* if the person has previously been convicted (on separate occasions) of two or more *violent or aggravated felonies*.
- Prohibits the person from being eligible for suspension of sentence, probation, pardon or release on any basis. Allows the person to be eligible for commutation after serving at least 35 years.
- Provides that for the purposes of this section, the prior convictions must:
 - ⇒ Have been entered within 15 years of the conviction for the third offense, excluding time spent in custody, on probation or as an absconder, and
 - ⇒ The sentence for the 1st *violent or aggravated felony* conviction must have been imposed before the conduct occurred that gave rise to the 2nd conviction and the sentence for the 2nd *violent or aggravated felony* conviction must have been imposed before the conduct occurred that gave rise to the 3rd conviction.
- Applies Title 13, Chapter 3 (parties to offenses; accountability) to all offenses under the new section.
- Considers an offense committed in another jurisdiction an offense committed in Arizona if:
 - ⇒ Had the offense been committed in Arizona, it would be a violation or attempted violation of any offenses listed in the new section, and
 - ⇒ The offense has the same elements of an offense listed in the new section.
- Defines *violent or aggravated felony* as any of the following offenses:
 - ⇒ First degree murder (A.R.S. § 13-1105)
 - ⇒ Second degree murder (A.R.S. § 13-1104)
 - ⇒ Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon/dangerous instrument (A.R.S. § 13-1204)
 - ⇒ Dangerous or deadly assault by a prisoner (A.R.S. § 13-1206)
 - ⇒ Committing an assault with intent to incite to riot or participate in riot (A.R.S. § 13-1207)
 - ⇒ Drive by shooting (A.R.S. § 13-1209)
 - ⇒ Knowingly discharging a firearm at a residential structure if it is occupied (A.R.S. § 13-1211)
 - ⇒ Kidnapping (A.R.S. 13-1304)
 - ⇒ Sexual conduct with a minor that is a Class 2 felony (victim under 15 years of age) (A.R.S. § 13-1405)
 - ⇒ Sexual assault (A.R.S. § 13-1406)
 - ⇒ Molestation of a child (A.R.S. § 13-1410)
 - ⇒ Continuous sexual abuse of a child (A.R.S. § 13-1417)
 - ⇒ Violent sexual assault (A.R.S. § 13-1423)
 - ⇒ First degree burglary committed in a residential structure if occupied (A.R.S. § 13-1508)
 - ⇒ Arson of an occupied structure (A.R.S. § 13-1704)
 - ⇒ Arson of an occupied prison or jail facility (A.R.S. § 13-1705)
 - ⇒ Armed robbery (A.R.S. § 13-1904)
 - ⇒ Participating in or assisting a criminal syndicate or leading or participating in a criminal street gang (A.R.S. § 13-2308)
 - ⇒ Terrorism (A.R.S. § 13-2308.01)
 - ⇒ Taking a child for the purpose of prostitution (A.R.S. § 13-3206)
 - ⇒ Child prostitution (A.R.S. § 13-3212)
 - ⇒ Commercial sexual exploitation of a minor (A.R.S. § 13-3552)
 - ⇒ Sexual exploitation of a minor (A.R.S. § 13-3553)
 - ⇒ Unlawful introduction of disease or parasite (A.R.S. § 13-2912)

SB 1471 – Chapter 186 – sex offender treatment; privileged communications

Allows for statements made by a sex offender during treatment that relate to a new sexual offense to be admissible in any criminal or juvenile delinquency proceeding.

SB 1557 – Chapter 394 [E] – election reform; manual count

Makes changes to election laws relating to polling places, voting equipment, and ballot tabulation.

- Requires the SOS to establish procedures to reduce the wait time at the polls.
- Establishes a method to monitor the wait time at the polls.
- Requires the county officer in charge of elections (Officer) to conduct a hand count for each countywide primary, general and presidential preference election.
- Requires a hand count of randomly selected races in two percent or two precincts in a county, whichever is greater. The precincts are randomly selected. (Provisional ballots, conditional provisional ballots and write in votes are not included in the hand count)
- Includes one federal race, one statewide candidate race, one ballot measure, and one legislative race in the races to be counted and adds the presidential race to the four categories of hand counted races.
- Specifies that early ballots are to be grouped separately for a separate manual audit and establishes procedures for that manual audit.
- Establishes the Vote Count Verification Committee (Committee) in the office of the SOS. The Committee is responsible for setting the designated margins to be used to determine whether hand counting of votes is required. The members of the Committee are appointed by the SOS and are required to have expertise in any one or more areas of advanced mathematics, statistics, random selection methods, systems operations or voting systems.
- Requires a hand count of a court ordered recount of legislative and statewide races. Five percent of the precincts for the recounted races will be randomly selected and the hand count follows the procedures for an election hand count if the results are equal to or greater than the designated margin for that race.